

Christian H. Dribusch (507021)
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Date: November 16, 2016
Time: 9:15 a.m.
Place: James T. Foley Courthouse
445 Broadway, 3rd Floor
Albany, NY 12207

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

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In re:

JAMES FRITZ
JENNIFER FRITZ

Chapter 7

Case No. 16-11220-1-REL

Debtor.

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**TRUSTEE MOTION FOR AN ORDER DIRECTING THE DEBTOR TO COOPERATE WITH
THE TRUSTEE IN LIQUIDATING PROPERTY OF THE BANKRUPTCY ESTATE**

TO: The Honorable Robert E. Littlefield, Jr.

Christian H. Dribusch in his capacity as chapter 7 trustee to the bankruptcy estate of the above-captioned Debtor, files this motion pursuant to §521 of title 11 of the United States Code ("Bankruptcy Code") and Rule 4002 of the Federal Rules of Bankruptcy Procedure ("FRBP") for an Order compelling the Debtor to perform debtor duties during the pendency of the case (the "Motion").

In support of the Motion, the Trustee respectfully alleges as follows:

JURISDICTIONAL STATEMENT

1. The Debtor filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code (the "Bankruptcy Code") with the Bankruptcy Court (the "Court") for the Northern District of New York (the "District"). See ECF #1.

2. This motion made pursuant to Bankruptcy §521 and FRBP 4002 is a core proceeding under §157(b)(2)(A) of title 28 of the United States Code because it relates to matters concerning the administration of the bankruptcy estate.

3. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§157 and 1334. Venue is proper by virtue of 28 U.S.C. §1409(a), as the proceeding arises and relates to a case under the Bankruptcy Code pending before this District.

FACTUAL BASIS FOR THE MOTION

4. In accordance with his duties under Bankruptcy Code §704, the Trustee will be marketing for sale real property commonly known as 2044 Fiero Ave, Schenectady, New York 12303 (the "*Real Property*").

5. The Real Property is property of the bankruptcy estate pursuant to Bankruptcy Code §541.

6. The Trustee will be endeavoring to negotiate a short-sale of the Real Property with a carve-out for the benefit of the bankruptcy estate.

7. In order to effectively market and liquidate the Real Property, the Trustee requires the Debtor to cooperate with the Trustee and his professionals.

RELIEF REQUESTED

8. The Trustee requests an Order from the Court directing the Debtor to:

(a) provide the Trustee with valid contact information including, without limitation, a telephone number and email address;

(b) complete disclosure forms and other documents which a seller would customarily be required to prepare in marketing and liquidating real property;

- (c) grant the Trustee, his professionals, prospective agents and purchasers access to the Real Property subject to 24 hours' prior notice;
- (d) respond to any inquiries which the Trustee and his professionals may have concerning the Real Property;
- (e) account for and turnover post-petition monthly rental income if any portion of the Real Property is leased; and
- (f) otherwise cooperate with the Trustee in facilitating the sale of the Real Property.

WHEREFORE, the Trustee seeks an Order for the relief requested in the Motion or such appropriate relief as the Court may deem just and proper.

/s/ Christian H. Dribusch
Christian H. Dribusch

CERTIFICATE OF SERVICE

I, Christian H. Dribusch, certify that on the 14th day of October 2016, a true and correct copy of Trustee's notice of motion and motion pursuant to 11 U.S.C. §521 and Federal Rule Bankruptcy Procedure 4002 was served on the parties listed below via electronic or first class mail in accordance with the Federal Rules of Bankruptcy Procedure.

Dated: October 14, 2016
East Greenbush, New York

/s/ Christian H. Dribusch
Christian H. Dribusch

TO: Kristie H. Hanson on behalf of Debtor at kristie@hansonlawonline.com

James and Jennifer Fritz, 2044 Fiero. Ave, Schenectady, NY 12303